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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,603	06/23/2003	Yuji Shimizu	8014-1063	9590

466 7590 04/05/2007  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER
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JONES, HEATHER RAE

ART UNIT	PAPER NUMBER
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2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/600,603

Applicant(s)

SHIMIZU ET AL.

Examiner

Heather R. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 1/8/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference sign "G" is not in Fig. 4.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 3, reference character "S24".
4. The drawings are objected to because in Fig. 1, "image decoder 15" needs to be changed to --image encoder 15--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda et al. (U.S. Patent 5,999,694) in view of Toyoda et al. (U.S. Patent Application Publication 2002/00540549).

Regarding claim 1, Yasuda et al. discloses a data-reproduction apparatus comprising: a memory device (10) of storing specification data for specifying the portion of the reproduction data from which reproduction is to be restarted when pausing reproduction of reproduction data (Figs. 2A-2D); and a judgment device that determines, based on the stored specification data, whether or not the reproduction data to be reproduced this time is reproduction data from which reproduction is to be restarted, or is reproduction data that is to be reproduced from the beginning of the reproduction data (Fig. 10). However, Yasuda et al. fails to disclose a restart-output device of outputting restart representative data, which are data that are representative of the portion that was specified based on the specification data when the reproduction data is reproduction data that is

paused and is to be restarted; and an initial-output device of outputting initial representative data, which are preset data that are representative of the entire reproduction data when the reproduction data are reproduction data to be reproduced from the beginning of the reproduction data.

Referring to the Toyoda et al. reference, Toyoda et al. discloses a data-reproduction apparatus comprising: a restart-output device of outputting restart representative data, which are data that are representative of the portion that was specified based on the specification data when the reproduction data is reproduction data that is paused and is to be restarted; and an initial-output device of outputting initial representative data, which are preset data that are representative of the entire reproduction data when the reproduction data are reproduction data to be reproduced from the beginning of the reproduction data (paragraphs [0017], and [0048]-[0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the user thumbnail images as a selection device as described by Toyoda et al. with the data-reproduction apparatus that only records the stop position data that is disclosed by Yasuda et al. in order to allow the user to quickly and precisely designate the playback position, which can be done by the user being able to confirm the image located at the playback position in advance by looking at the corresponding thumbnail images.

Regarding claim 2, Yasuda et al. in view of Toyoda et al. discloses all the limitations as previously discussed with respect to claim 1 including that the representative data are image data (Toyoda et al.: paragraph [0049] -thumbnail images); the restart representative data is the image to be reproduced first at the portion (Toyoda et al.: paragraph [0050]); and the initial representative data is a preset image representing the entire reproduction data (Toyoda et al: paragraphs [0051] and [0054]).

Regarding claim 3, Yasuda et al. in view of Toyoda et al. discloses all the limitations as previously discussed with respect to claim 1 including that the specification data is the reproduction time at the beginning of the portion on the reproduction timeline of the reproduction data from which reproduction is to be restarted (Toyoda et al.: paragraphs [0012] and [0017]).

Regarding claim 4, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 4 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim 5, this is a claim directed to the computer data signal embodied in a carrier wave and representing a sequence of instructions corresponding to the apparatus claim 1. Therefore, claim 5 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim 6, this is a data-recording medium claim corresponding to the apparatus claim 1. Therefore, claim 6 is analyzed and rejected as previously discussed with respect to claim 1. Furthermore, Yasuda et al. discloses a

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controller (8) that functions as a data-recording medium storing the computer's program.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones  
Examiner  
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HRJ  
April 1, 2007

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262** 2621

~~James J. Groody~~  
~~Supervisory Patent Examiner~~  
~~Art Unit 262~~